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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,894	08/07/2001	Tracey L. Caveness	82947	2242

7590

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EXAMINER

PICKETT, JOHN G

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/923,894

Applicant(s)

CAVENESS, TRACEY L.

Examiner

Gregory Pickett

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-9 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-9 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action acknowledges the applicant's Amendment A, presented as Paper No. 6. Claims 1, 2, 7-9, and 14-16 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

3. The corrected drawings were received on September 12, 2003. These drawings are acceptable.

### ***Claim Objections***

4. In light of the applicant's amendment, the objection to claim 15 is hereby withdrawn.

### ***Claim Rejections - 35 USC § 112***

5. The applicant has canceled claims 3, 10, and 17.

### ***Claim Rejections - 35 USC § 103***

6. Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cope et al (US 3,716,961) in view of Montepiani et al (US 6,260,705).

Regarding claim 1, Cope et al discloses a compact packaged towel (17) with at least one towel (11), a first sheet (15), and a second sheet (16) with the edges of sheets (15, 16) sealed along the entire perimeter (as shown, Figure 2) and substantially all of the air removed from the compartment (see Figure 2).

Cope et al lacks, or does not expressly disclose at least one perforation for access to the compartment.

Montepiani et al discloses a means for opening including a perforation (see Col. 1, lines 29-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the packaged towel of Cope et al with a perforation as taught by Montepiani et al in order to assist in the opening of the package.

Regarding claim 15, Cope et al discloses a compact packaged towel (17) with at least one towel (11), a first sheet (15), and a second sheet (16) with the edges of sheets (15, 16) sealed along the entire perimeter (as shown, Figure 2) and vacuum sealed (see for example Col. 5, lines 19-21).

Cope et al lacks, or does not expressly disclose a pull string for access to the compartment.

Montepiani et al discloses a means for opening including a pull string (see Col. 1, lines 29-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the packaged towel of Cope et al with a pull string as taught by Montepiani et al in order to assist in the opening of the package.

7. Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cope-Montepiani as applied to claims 1 and 15 above, and further in view of Fazio (US 5,082,707).

The packaged towel of Cope-Montepiani discloses the claimed invention except for expressly disclosing a folded towel.

Fazio discloses a package (see Figure 3) with a folded towel (1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the towel of Cope-Montepiani in a folded state in order to obtain compact storage of the article.

8. Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (Des 363,023).

Regarding claim 1, Taylor discloses a package for a disposable towel with a perforation to assist in the opening of the package.

Taylor lacks or does not expressly disclose the method of fabrication.

Cope et al discloses a known method for packaging a towel (17) that is made from two sheets (15, 16) and sealed along the entire perimeter (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the package of Taylor using the two sheets and edge sealing method taught by Cope et al in order to prevent contamination of the towels during storage.

Regarding claim 15, Taylor discloses a package for a disposable towel with a pull string to assist in the opening of the package.

Taylor lacks or does not expressly disclose the method of fabrication.

Cope et al discloses a known method for packaging a towel (17) that is made from two sheets (15, 16) and sealed along the entire perimeter (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the package of Taylor using the two sheets and edge sealing method taught by Cope et al in order to prevent contamination of the towels during storage.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor-Cope as applied to claim 1 above, and further in view of Ravich (US 3,889,804).

The packaged towel of Taylor-Cope discloses the claimed invention except for the towel moistened with a liquid.

Ravich discloses that it was known in the art at the time the invention was made to moisten a towel with a liquid (see for example Col. 1, lines 7-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to moisten the towel of Taylor-Cope with a liquid as disclosed by Ravich in order to provide a cooling effect to a user's skin.

10. Claims 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasianovitz et al (US 5,616,337) in view of Cope et al.

Regarding claim 8, Kasianovitz et al discloses a package (4) with a towel (26), formed by a single sheet (5) folded and sealed along the entire perimeter (see Figure 1). Kasianovitz et al discloses a notch (8).

Kasianovitz et al lacks or does not expressly disclose substantially all of the air removed from the package.

Cope et al discloses that it was known in the art at the time the invention was made to package a towel with substantially all of the air remove from the package (see Figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to remove substantially all of the air from the package of Kasianovitz et al in order to obtain a compact storage package.

As to claim 9, the package of Kasianovitz-Cope discloses a folded towel (see Kasianovitz et al, Figure 2).

As to claim 14, the package of Kasianovitz-Cope discloses a towel moistened with a liquid (Kasianovitz et al, when the two chambers are mixed).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1, 2, 7-9, and 14-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Gregory Pickett  
Examiner  
November 26, 2003



Mickey Yu  
Supervisory Patent Examiner  
Group 3700